

# San Francisco Bay Conservation and Development Commission

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March 24, 2017

**TO:** Commissioners and Alternates

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**SUBJECT: Staff Report on Pending Legislation**  
(For Commission consideration on April 6, 2017)

## Summary and Recommendations

The staff recommends that the Commission support: (1) Assembly Bill 733 (Berman), *Enhanced infrastructure financing districts: projects: climate change*; and (2) Assembly Bill 388 (Mullin), *Greenhouse Gas Reduction Fund*. Staff further recommends that the Commission follow: (1) Assembly Bill 184 (Berman), *Sea level rise planning: database*; (2) Assembly Bill 1121 (Chiu) *San Francisco Bay Area ferries*; (3) Assembly Bill 1433 (Wood), *Climate Adaptation and Resilience Based on Nature Act*; (4) Assembly Bill 18 (Garcia), *California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018*; and (5) Senate Bill 5 (De Leon), *California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018*.

## Report

There are several bills of interest to the Commission in the current first year of the two-year session:

**Assembly Bill 733, *Enhanced infrastructure financing districts: projects: climate change*.** Introduced by Assemblymember Marc Berman, this bill will be heard in Assembly Local Government Committee on April 6<sup>th</sup>.

Now that redevelopment agencies have been dissolved, one of the remaining methods for local governments to finance public capital facilities or other projects of community wide significance is an Enhanced Infrastructure Financing District. This bill would authorize the use of such districts for financing projects for adapting to the impacts of climate change, including, but not limited to, extreme weather events, sea level rise, flooding, heat waves, wildfire, and drought.

Even after local communities have assessed their vulnerabilities and determined appropriate adaptation measures, financing the implementation of adaptation measures will remain a daunting challenge. Staff recommends that the Commission support AB 733.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB733](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB733)

**Assembly Bill 388, *Greenhouse Gas Reduction Fund*.** Introduced by Assemblymember Kevin Mullin, the bill has passed the Assembly Natural Resources Committee and is in the Appropriations Committee.

The California Global Warming Solutions Act of 2006 designates the State Air Resources Board as the state agency charged with reducing sources of emissions of greenhouse gases. The act authorizes the State Board to include the use of market-based compliance mechanisms. Funds, other than for fines and penalties, collected by the State Board as part of a market-based compliance mechanism, are deposited in the Greenhouse Gas Reduction Fund (GGRF). Existing law continuously appropriates 60 percent of the annual proceeds of the GGRF for transit, affordable housing, sustainable communities, and high-speed rail purposes.

This bill would provide that proceeds of the GGRF may be appropriated by the legislature, on an annual basis, to reduce greenhouse gas emissions by the reuse of dredged material for wetland restoration, flood protection, and carbon sequestration.

While recently passed, Regional Measure AA provides funds for Bay restoration, including beneficial use of dredged material for wetlands, AB 388 would provide an additional funding source for restoration. However, the amount of funds collected into the GGRF has declined in recent years and there are many competing uses for those funds.

Staff believes that beneficial reuse of dredged material to create wetlands would be an appropriate use of the GGRF funds and recommends the Commission support AB 388.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB388](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB388)

**Assembly Bill 184, *Sea level rise planning: database*.** Introduced by Assemblymember Marc Berman, the bill has passed the Assembly Natural Resources Committee and is in the Appropriations Committee.

Assembly Bill 2516 (Chapter 522, 2014), introduced by Assemblymember Rich Gordon, now requires the Natural Resources Agency, in collaboration with the Ocean Protection Council, to maintain the web-based Planning for Sea Level Rise Database, <http://www.opc.ca.gov/climate-change/planning-for-sea-level-rise-database/>, which describes steps being taken throughout the state to prepare for, and adapt to, sea level rise. Various public agencies and entities, including the Commission, are required to provide to the Agency, on a biannual basis, sea level rise planning information for inclusion in the database. However, AB 2516 sunsets these provisions on January 1, 2018.

This bill would eliminate the January 1, 2018, sunset of those provisions.

It is staff's understanding that the author will likely be discussing potential further amendments with the Natural Resources Agency. Staff recommends that the Commission continue to follow AB 184.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB184](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB184)

**Assembly Bill 1121, *San Francisco Bay Area ferries*.** Introduced by Assemblymember David Chiu, the bill has yet to be referred to a policy committee.

State law established the San Francisco Bay Area Water Emergency Transportation Authority with specified powers and duties, including, but not limited to, the authority to coordinate the emergency activities of all water transportation and related facilities within the San Francisco Bay Area region.

This bill now states the intent of the Legislature to enact legislation to authorize San Francisco Bay Area voters to approve new, dedicated funding for San Francisco Bay Area ferries. The bill will likely be amended to provide more detailed language when it is referred and heard in policy committee.

The staff recommends that the Commission continue to follow AB 1121.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB1121](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB1121)

**Assembly Bill 1433, *Climate Adaptation and Resilience Based on Nature Act*.** Introduced by Assemblymember Jim Wood, the bill has been referred to the Assembly Natural Resources Committee.

Similar to AB 388, above, this bill addresses the use of the Greenhouse Gas Reduction Fund (GGRF). However, AB 1433 would create the Climate Adaptation and Resilience Based on Nature Account in the GGRF and would transfer, beginning in the 2017–18 fiscal year, 20 percent of the annual proceeds of the GGRF to the account. The bill would make available the moneys in the account to the Wildlife Conservation Board, upon appropriation by the Legislature in the annual Budget Act, for grants and programs that facilitate actions to protect and improve the resilience of natural systems and to reduce emissions of greenhouse gases.

The bill's author has indicated that the bill is intended to address the use of forests and working landscapes to sequester carbon, although the broad language of the bill could include Bay wetlands. Unlike AB 388, discussed above, this bill earmarks an additional 20 percent of the GGRF to the 60 percent of the GGRF that is already earmarked. Staff recommends that the Commission continue to follow AB 1433.

[https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1433](https://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1433)

**Assembly Bill 18, *California Clean Water, Climate, Coastal Protection, and Outdoor Access For All Act of 2018*.** Introduced by Assemblymember Eduardo Garcia, the bill has passed the State Assembly and has been referred to the Senate Rules Committee for assignment.

This \$3.105 billion bond act that would be put before California voters on the June, 2018 primary ballot, includes, among other funds that may aid Bay habitat and public access, \$30 million to the California Climate Resilience Fund for projects to assist coastal communities with climate change adaptation, including sea level rise and ocean acidification, and Pacific Flyway habitat protection. Of these funds, 20 percent would be allocated to BCD, 20 percent to the California Coastal Commission, and the remainder to the California Coastal Conservancy.

The staff recommends that the Commission continue to follow AB 18.

[http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB18](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB18)

**Senate Bill 5, California Drought, Water, Parks, Climate, Coastal Protection, and Outdoor Access For All Act of 2018.** Introduced by Senator Kevin De Leon, the bill has been referred to the Senate Government and Finance Committee.

This \$3 billion bond act that would be put before California voters on the June, 2018 primary ballot, includes, among other funds that may aid Bay habitat and public access, \$400 million that would be used for statewide competitive grants for climate change adaptation and resilience projects that include habitat aspects.

The staff recommends that the Commission continue to follow SB 5.

[http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB5](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB5)